

DATE RECEIVED _____

PERMIT NO. _____

CORRESPONDENCE _____

1

CITY OF FAIRFAX

DEPARTMENT OF PUBLIC WORKS

RIGHT-OF-WAY / EASEMENT PERMIT PACKAGE

Form Release July 2014

PRIOR TO START OF ANY WORK – CALL**Failure to notify will result in Stop Work Order**

1. Miss Utility 1 800 552 7001
Minimum 48 hours notice required prior to any excavation.
2. Facilities Inspector 703 385 7828
Minimum 48 hours notice required prior to start of work.
3. Police Dispatcher 703 385 7924
Notify prior to start of work in traveled portion of roadway.
4. Fairfax Water 703 698 5600
Contact if your work involves any water facilities or is located within easements for these facilities.

Office Use Only: Applicant To Review Upon Permit Approval

- ☐ - See signature sheet for comments
- ☐ - See attached specifications
- ☐ - See revised traffic control plans
- ☐ - See Special Provisions 7, 8, and 9 on page 7 for backfill and pavement restoration details.
- ☐ - Arterial highway work hours in effect (M-Th 9-3, Fr 9-12)
- ☐ - Work Permitted: _____
- ☐ - Inspector shall be contacted prior to start of work
- ☐ - Inspections required on installations
- ☐ - Inspections required prior to paving/pouring.
- ☐ - Preconstruction meeting required
- ☐ - Residents/businesses in vicinity to be notified 48hrs prior to starting work.
- ☐ - **Payment required prior to release; \$ _____**

A complete copy of the approved permit must be kept at the jobsite with site/traffic control plans. Inability to display a valid permit upon request may require stoppage of work.

* * * * *

VDOT PERMITS ARE NOT VALID IN THE CITY OF FAIRFAX

* * * * *

Effective Jan 1, 2014 Fairfax Water operates water facilities previously operated by City of Fairfax

* * * * *

Permitted working hours on Arterial & Major Secondary Highways*:**Monday – Thursday: 9:00AM - 3:00PM, Friday: 9:00AM to 12:00PM****

All other areas of ROW: Monday – Friday, 9:00AM – 3:00PM

Extended time and any deviations must be approved by the Director of Public Works or appointee.

No work on nights, weekends, or public holidays, unless approved by City,
or in an emergency as defined by City Code, Section 82-113 (b).

*Including, but not limited to: Lee Hwy, Main St, Judicial Dr, Chain Bridge Rd, Eaton Pl, University Dr, Jermantown Rd, Pickett Rd, Old Lee Hwy. Arterial highways will require use of an arrow board for traffic control. See pg. 3 for details.

**ROW Work hours on arterial roadways for weekdays immediately prior to a public holiday will be placed on a Friday schedule (9AM-12PM).

NOTE: All cuts must be backfilled with 21-A gravel, compacted to 95%, AND asphalted at end of workday. All permit holders are required to have compaction tests performed and to bear that cost.
Test results to be submitted to inspector.

DATE RECEIVED _____

PERMIT NO. _____

2

RIGHT-OF-WAY/EASEMENT PERMIT APPLICATION**COMPLETE ALL SECTIONS OF THIS APPLICATION.****TO BE COMPLETED BY APPLICANT:**

Date: _____

Permission is requested by _____

To work at _____
Street Address(es)/Location(s)

for the purpose of _____. (Attach plans)

Proposed starting date (not less than 1 week from application date) _____.

Contractor's License Number & Class _____
or Property Owner's Signature

License number requirement may be waived by a property owner accepting all responsibility and liability by signing above.

The applicant understands and agrees that any permit granted must be exercised in accordance with all pertinent provisions and requirements of the Code of the City of Fairfax, Virginia, and, in particular, the city ordinance regulating right-of-way/easement construction (City Code, Chapter 82, Article III).

The applicant hereby agrees to indemnify and hold harmless the City of Fairfax from all claims for damages to persons or property resulting from the digging up or opening of any street, alley or utility easement within the city by him or his agent or by failure to safeguard such work.

The applicant has **read and understood** all notes and special provisions attached to this permit.

Signature of Applicant_____
Print Applicant's Name_____
Street Address of Applicant_____
Telephone Number_____
City, State, ZIP Code_____
Emergency Telephone Number_____
Applicant's Email Address

Upon approval, I would prefer:

- ☐ To pick up this permit at 10455 Armstrong St, Room 200. (Permits will be held for 2 bus days)
- ☐ To have this permit mailed to the above address.
- ☐ Email this permit to the above email address.

Payment:

- ☐ - Check payable to Treasurer, City of Fairfax enclosed for \$_____ per the fee schedule on page 9.
- ☐ - Permit application fee to be withdrawn from credit account (utility companies only).
- ☐ - I have prepaid fees following a preconstruction meeting & invoice from the Department of Public Works.
- ☐ - Would prefer to pay the minimum \$150 application fee and understand the permit will not be released until any outstanding balance is paid.

PERMIT NO. _____

PERMIT NOT VALID UNLESS ALL SIGNATURES PRESENT_____
Street Division Superintendent_____
Date of Approval

Comments:

Processed by_____
Date of Approval

Payment Date: _____

Amount: _____

Method: _____

Balance: _____

Sanitary Sewer Supervisor_____
Date of Approval

Comments:

☐ TEST PITS REQUIRED WHEN CROSSING SEWER LINES_____
Inspector_____
Contact_____
Date of ApprovalApplication Fee: _____ + Adjustments: _____ = **Total Application Fee:** _____

Comments:

**The City of Fairfax shall be notified a minimum of 2 business days prior to work starting.
Inspection Office 703-385-7828**_____
Sign & Signal Supervisor_____
Date of Approval

Comments:

Complete and deliver the entire application WITH SITE PLAN and payment by hand, mail, or email to the 4
below address. A TRAFFIC CONTROL PLAN is also REQUIRED if work will be taking place in a roadway.

CITY OF FAIRFAX
Department of Public Works - Inspections
10455 Armstrong St, Room 200
Fairfax, VA 22030

PW-Inspectors@fairfaxva.gov

**EFFECTIVE JULY 2014 – ALL PRINTED PLAN SUBMITTALS MUST BE 11X17” OR SMALLER
ALL ELECTRONIC SUBMITTALS MUST BE IN .PDF FORMAT**

Allow up to 4 weeks (20 business days) for permit review and approval.

*****Larger projects may require more time to process.*****

Application Check Sheet

Have you:

- ☐ - Checked that you have the most current version of the permit application? The current permit application is available at www.fairfaxva.gov or at our offices.
- ☐ - Filled out ALL information on Page 2?
- ☐ - Attached a SITE PLAN that details your work?
- ☐ - Attached a TRAFFIC CONTROL PLAN if your work will take place in a roadway?
 - Traffic control plans must be designed and provided by the applicant. The City will not design traffic control plans.
 - **See checklist on page 5 for full-width street closures, alternating one-way traffic (on main roads), closure of all lanes in one direction (on main roads) or closures that will be 3-days or longer in duration.**
 - **VDOT/VA-WAPM typical drawings may be submitted where applicable.** Where site conditions are not captured by a typical drawing, a site specific plan must be submitted. Traffic control plans must consider both vehicular and pedestrian traffic.

Traffic control plans must include;

- **Arterial & Major Secondary Roadways (Highways):** Arrow board, cones/barrels, sidewalk closed signs, work zone, buffer zone, three advance warning signs, test pits at utility crossings.
*Highways include but are not limited to; Lee Hwy, Main St, Judicial Dr, Chain Bridge Rd, Eaton Pl, University Dr, Jermantown Rd, Pickett Rd, Old Lee Hwy, Downtown Area.
**Highways will require use of arrow boards for traffic control in place of or in supplement to flaggers.
Highway classification is not necessarily determined by speed limit.**
 - **Secondary Roads:** Flaggers, cones/barrels, sidewalk closed signs, work zone, buffer zone, three advance warning signs, test pits at utility crossings
- ☐ - Contacted Fairfax Water if your work involves water facilities or their easements?
Fairfax Water – 703 698 5600
 - ☐ - Included payment?
 - A check made payable to Treasurer, City of Fairfax, or
 - A credit account (utility companies only)
 - **A minimum \$150 application fee or a credit account with sufficient funds is required to submit an application.**
 - **Cash or credit card payments must be made in person at the Treasurer's office, and the receipt attached to the permit application as proof of payment.**
 - ☐ - Read and understood all terms and conditions of this application?

Retain a copy of site/traffic plans before submitting application for review.

The Department of Public Works will retain submitted site and traffic control plans for records.

CHECKLIST FOR:

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FULL-WIDTH STREET CLOSURES ALTERNATING ONE-WAY TRAFFIC ON ARTERIAL/MAJOR SECONDARY ROADWAYS CLOSURE OF ALL LANES IN ONE DIRECTION ON ARTERIAL/MAJOR SECONDARY ROADWAYS CLOSURES IN PLACE FOR 3-DAYS OR GREATER

*****The City Manager must approve all street closures prior to permit approval*****

-
- These requirements are at the discretion of the Department of Public Works.
 - Contact the Facilities Inspector at 703 385 7828 if you have any questions regarding these requirements.
 - These procedures are to be implemented AFTER a Right-of-Way/Easement Permit has been approved.
-
1. **For arterial roadways and major secondary roadways, message boards shall be in place a minimum of 1-week (7-days) in advance of construction activities.** The message boards shall display location, times, and duration of the closure, and detour information if applicable.
 2. **Written notices shall be delivered to residents and businesses in the affected areas a minimum of 1-week (7-days) in advance of construction activities.** Location and duration of the closure, detour information if applicable, and the applicant's contact number to voice concerns shall be provided in this notice. Facilities Inspector shall be copied on all notices.
 3. **Police support is required for any full-width closures of arterial or major secondary roadways, or closure of an intersection.** Flagmen may not be used to override a signalized intersection. Requests for police support must be made to the Facilities Inspector a minimum of 1-week (7-days) in advance of construction activities.
 4. **Pedestrian traffic must be considered for all closures and detours.** Pedestrian travel ways should remain handicapped accessible and safe at all times.
 5. **A minimum of 3 advanced warning signs is required for any work taking place in the roadway.**
-
- Work will not be allowed to proceed until these conditions have been addressed to the Department's satisfaction.
 - Traffic control must be set up according to the approved traffic control plans.
 - Lack of necessary traffic control equipment may result in cancellation of the closure until proper equipment is provided.
 - Scheduling of closures are subject to the availability of City staff, traffic volumes, concerns from residents and businesses, and conflict with special events/other closures that have been previously approved by the City.

1. Permit is valid for 90 days after approval.
2. No later than two weeks before expiration, for a fee of \$50, the permit may be extended up to 90 days thereafter, upon written reason for extension.
3. **Permit must be obtained prior to start of any work. It shall be kept at construction site with site/traffic control plans and be displayed upon demand.**
4. A fee must be paid upon the application of the permit. If a permit is not issued, a refund will be made, minus a \$50 processing fee.
5. **Correspondence from the Department of Public Works necessary to complete permit review must be replied to within 20 calendar days.** Permit applications will be considered cancelled following no response to City correspondence after 30 days and a \$50 processing fee will be charged to the applicant.
6. **A Facilities Inspector must be called prior to start of work, 48 hours in advance, and prior to placement of any materials.** Concrete form dimensions, subbase/subgrade condition and depth, asphalt placement depth, all manhole penetrations and sanitary tie-ins, and waterline blocks and connections, etc must be inspected prior to material placement/backfill. Failure to schedule an inspection or installation of materials before an inspection is given may result in requirement for removal and replacement of materials, especially if inspection reveals possible deficiencies or deviations from specifications.
7. Fairfax Water must be contacted prior to work on water facilities or within their easements. Work on these facilities in City of Fairfax Right-of-Way will require both permission from Fairfax Water and a City of Fairfax Right-of-Way/Easement Permit.
8. It is the responsibility of the applicant to be familiar with the construction requirements and specifications of the City of Fairfax. The Facilities Inspector should be contacted for questions concerning construction requirements and specifications before starting work.
9. **All construction, including removal and replacement, shall be to current specifications.** Existing structures shall not be replaced in-kind if the installation does not meet current specifications. [Ex: Curb and gutter that is removed and replaced must have proper gravel bedding per current specifications, even if the existing curb was poured over materials that do not meet current specifications in material type and/or depth.]
10. Minimum asphalt patch width is 4 feet. Minimum patch size is 4 feet by 4 feet. Larger cuts will require mill and overlay of 25' in each direction away from the cut, at the Department's discretion.
11. Permit fees: See page 9.
12. At the Department's discretion, a cash bond may be required.
13. If any work performed under a permit does not meet City standards and requires remedial actions, no further permits will be issued until the work has been corrected.
14. Should City forces complete any work covered in this permit under Special Provision 3, the permittee shall reimburse the City for labor, materials, and equipment usage as determined by the Department of Public Works. The minimum fee in such cases is \$500.00. Unpaid balances may be added to the required permit fee for subsequent permits or deducted from available credit.
15. Anyone found doing any type of work without a permit will be required to pay an inspection fee of \$350, plus all regular fees.
16. Inspections or support from City staff required outside of normal business hours will require prepayment of projected overtime expenditures as determined by the Department of Public Works. Overpayments will be either refunded or credited towards Site Inspection Fees (for projects under site plan). When required, prepayment of overtime expenditures is a condition of permit approval. Reimbursement for pre-planned and scheduled overtime is \$260.00 per four hours (minimum).
17. Inspections or support from City staff required outside of normal business hours that are unscheduled will require reimbursement at the rate of \$150.00 per hour.

SPECIAL PROVISIONS IN CONNECTION WITH THE CONSTRUCTION PERMIT

1. All work done under this permit on the right-of-way or easements, in all respects, including location, alignment, elevation and grade; manner of performing the work; restoration of conditions, etc., shall be subject to Department of Public Works directions and shall be performed to the satisfaction of the Department, in conformance with the applicable Virginia Department of Transportation specifications and standards.
2. **The contractor shall be responsible for all damages to existing underground utilities occasioned by his operations.** He shall satisfy as to their correct locations by means of exploratory test pits and information from utility owners. Any City of Fairfax water or shallow sanitary pipe crossings on test pits must be inspected by the Facilities Inspector prior to backfill.
3. **The Department of Public Works reserves the right to stop the work at any time for unsatisfactory compliance to the terms of the permit, and the Department may, at its discretion, complete any of the work covered in the permit at the permittee's expense,** including that work which is necessary to restore shoulders, ditches and drainage structures to their original condition.
4. This permit is revocable at the pleasure of the Department, and permittee may be required to move, alter, change or remove from the road right-of-way in a satisfactory manner any installations made on the right-of-way under this permit.
5. **Streets are not to be blocked or closed without written permission of the City Manager.** All traffic control shall be in accordance with the Virginia Work Area Protection Manual, current edition. Signs, in accordance with the specifications of the Virginia Manual of Uniform Traffic Control Devices, are to be located as directed by the Street Superintendent or his representative. Where one-way traffic is permitted to be maintained, it shall be flagged at all times. At all times, traffic shall be properly protected by adequate lights, barricades, signs, and properly certified flagmen, when needed. Contractors must provide proof of flagging certification.
6. Long open trenches will not be permitted. Trenches on vehicular travel ways and sidewalk areas are to be backfilled before the end of the day.
7. (A). All backfilling of trenches shall be in layers of not greater thickness than six inches and shall be made to a minimum of 95% theoretical density, at optimum moisture content, in accordance with VDOT Highway Road and Bridge Specifications Pavement Design. On pavement cuts, the pavement shall be replaced per City Code; the material used must conform to highway specifications. Compaction shall be by either pneumatic tampers or other approved method(s). Compaction by water will not be permitted. **The permittee will be held responsible for any deterioration of backfill or pavement for a period of five (5) years after repair completion.**

(B). Backfilling of trenches shall be compacted in horizontal layers of not more than 6 inches and shall be compacted to a **95 percent compaction**. On pavement and shoulder area, only VDOT 21-A aggregate must be used to backfill trenches from sub grade level to a depth of 3 feet. From 3 feet depth and below, the excavated material may be used if found suitable or satisfactory by the Inspector. A proctor will be required.
8. Wherever pavement is permitted to be cut, not over one-half street width shall be disturbed at one time; on crossings, the first opening shall be completely restored to satisfactory travelable condition before the second half can be opened. Where the pavement is disturbed, or deemed weakened, it shall be restored or replaced in manner as directed by and to the satisfaction of the Department.
9. Each pavement cut shall be covered with a temporary or permanent patch the same day the excavation is made. Steel plates may be used upon inspector's approval only, except for the time period between November 1 and April 1. The minimum thickness of temporary asphalt patch is 6 inches. For permanent asphalt restoration, the minimum thickness is 1.5 times the existing pavement thickness. After the repaving has been completed, the joint between the new and existing paving shall be sealed with an application of asphalt cement.
10. **The street is to be maintained at all times in a clean, mud- and dust-free condition.** No excavated material is to be placed on the pavement without written permission of the Department. When so permitted, the pavement shall be satisfactorily cleaned by an approved method. No cleated equipment is to be used on the pavement.

11. It is the duty of the Department of Public Works to keep and maintain all roads in a safe, travelable condition at all times; for them to be able to do this, they must have the cooperation of the permittee and all concerned. The permittee must understand that, in case it is found practicable and necessary to do so, the Street Division Superintendent or Director of Public Works has the authority to suspend the work; he also can discontinue issuing permits for the installations of all underground utilities from November 1 to April 1. 8
12. Road drainage is not to be blocked. The shoulders, ditches, roadside and drainage facilities, as well as the pavement, shall be kept in condition satisfactory to the Department. A smooth grade shall be maintained from the centerline of existing road to proposed curb and gutter to preclude the forming of false gutters and/or the ponding of any water on the roadway.
13. Road and street connections and private entrances are to be kept in satisfactory condition. Entrances are not to be blocked, and ample provisions must be made for safe ingress and egress to adjacent property at all times. Where entrances are disturbed, they shall be restored to the satisfaction of the Department.
14. All roadway crossings are to be made as nearly as possible at right angles to centerline of the road. Wherever possible, pipe lines must be jacked, driven, or otherwise pushed under the roadway or a portion thereof, especially on concrete or other hard surface roadways, in order to eliminate as far as possible the cutting of the pavement.
15. **Inspection hours are Monday - Friday, 7:00 AM – 3:00 PM, except on City holidays.** Should an inspector be required after hours, on weekends, holidays, etc., the City will require reimbursement by the contractor.
16. The permittee shall have corrected immediately any situation that may arise as a result of these installations that the inspector deems hazardous to the traveling public, even though it may not be specifically covered in the permit.
17. All damaged sidewalk and/or curb and gutter to be removed to the nearest joint and replaced.
18. No trees or shrubs to be cut or trimmed unless approved. Where landscape is disturbed on City right-of-way, it shall be replaced with a minimum of 2 inches of topsoil and reseeded tree roots over 3 inches in diameter are to be clean cut with an axe or saw. Particular attention should be given not to splinter the roots next to the tree. Wherever possible, tunneling through or under roots should prevail over cutting of anchor roots.
19. The permittee assumes full responsibility for all damages that occur due to work performed under this permit, including responsibility to the owner for any and all damages to any other installations already in place as a result of work covered by this permit.
20. Prior to any excavation, the permittee shall comply with the terms of the Underground Utility Prevention Act, Title 56, Chapter 10.3, Sections 56-265.14 through 56-265.32, Code of Virginia, as amended. Any conflicts with existing utility facilities shall be resolved between the permittee and the utility owner(s) involved.
21. Prior to any excavation near signalized intersections, it is the responsibility of the permittee to notify the Street Superintendent.
22. Permittee acceptance and use of this permit is *prima facie* evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed.
23. In the event that any underground utility line is damaged by the permittee during the course of work under this permit, all work must cease until the damage is repaired, and the permittee must immediately contact the City and comply with Section 82-114 (b) of the Code of the City of Fairfax. Signs shall be in accordance with the specifications of the Virginia Manual of Uniform Traffic Control Devices. The signs are to be located as directed by the Street Superintendent or his representative. Traffic is to be protected at all times by adequate lights, barricades and construction signs.

NOTICE - FLAGGING CERTIFICATION REQUIREMENTS

- All persons who flag traffic on City right-of-ways must be certified.
- Certification is received by successfully completing the State of Virginia Department of Transportation Flagging Certification Course for Construction and Maintenance Traffic Control.
- The Certification Card must be carried by flaggers and shown when requested by VDOT inspectors.
- For information regarding requirements for certification, please call:
VDOT, NOVA District Office, 703 934 7300

RIGHT-OF-WAY & ON-SITE CONSTRUCTION INSPECTION FEES, EFFECTIVE JULY 1, 2014

QUANTITY	UNIT	TYPE OF WORK	FEES
		TRAFFIC CONTROL, ROW CROSSINGS/RESTORATION, MISC	
	EA	ANY Road/Lane Closure - \$150/ea	
	EA	ROW Crossing or Sidewalk Closure Only - \$150/ea***	
	EA	ROW Restoration Only (Restoring ROW to original conditions) - \$150/ea***	
	EA	Inspection Fee – Applicant found working w/o valid permit - \$350/ea	
	LF	Misc ROW Construction – Handrails, Bollards, Barricades, etc.	
	EA	\$150/ea for individual structures, \$150/first 100' + \$50/100' thereafter for linear	
		SANITARY SEWER	
	EA	Sanitary Sewer Connections - \$150/ea	
	EA	Sanitary Sewer Manholes - \$150/ea	
	LF	Sanitary Sewer Lines - \$150/first 100' + \$50/100' thereafter	
		STORM SEWER	
	EA	Storm Sewer Connections - \$150/ea	
	EA	Storm Sewer Manholes and Structures - \$150/ea	
	LF	Storm Sewer Lines - \$150/first 100' and \$ 50/100' thereafter	
		CONCRETE	
	LF	Sidewalk, New/Replacement - \$150/first 100' + \$50/100' thereafter	
	LF	Curb/Gutter, New/Replacement - \$150/first 100' + \$50/100' thereafter	
	EA	Driveway Aprons - \$150/ea	
	EA	Ramps - \$150/ea	
	EA	Steps - \$150/ea	
		BITUMINUS CONCRETE	
	LF	Road Cuts - \$150/ea	
	LF	Streets New/Replacement - \$150/first 100' + \$50/100' thereafter	
	EA	Tie-In Public/Private Drive/Road to ROW - \$150/ea	
	EA	Test Pits Any Type - \$150/ea	
	EA	Road Markings - \$150/ea	
		CABLE, ELECTRIC, GAS, TELEPHONE	
	LF	Overhead Utility Lines - \$150/first 100' + \$50/100' thereafter	
	LF	Underground Utility Lines - \$150/first 100' + \$50/100' thereafter	
	LF	Underground Conduits - \$150/first 100' + \$50/100' thereafter	
	EA	Utility Manholes & Structures - \$150/ea	
	EA	Utility Cuts, Any Type - \$150/ea	
	EA	Utility Repairs, Any Type - \$150/ea	
	EA	Utility Crossings (Overhead) - \$150/ea	
	EA	Utility Poles - \$150/ea	
	EA	Pole Attachments - \$150/ea	
	EA	Street Lights - \$150/ea	
	EA	Signal Poles/Pedestrian Signals - \$150/ea	
	EA	Signal Cabinets - \$150/ea	
	EA	Pedestals - \$150/ea	
	EA	Markers - \$150/ea	
	EA	Monitoring Wells/Test Stations - \$150/ea	
	EA	Signs, Flags - \$150/ea	
		REIMBURSEMENTS (Office Use Only)	
	HR	Pre-planned overtime. \$260/4 hrs minimum + \$65 each add'l hour	
	HR	Unscheduled/Incidental overtime - \$150/hr	
	\$	Reimbursement to City for remedial work/repairs. TME. \$500 min.	
	\$	Misc:	
		TOTAL FEE	\$

EXAMPLE:

\$150

\$150

o pole

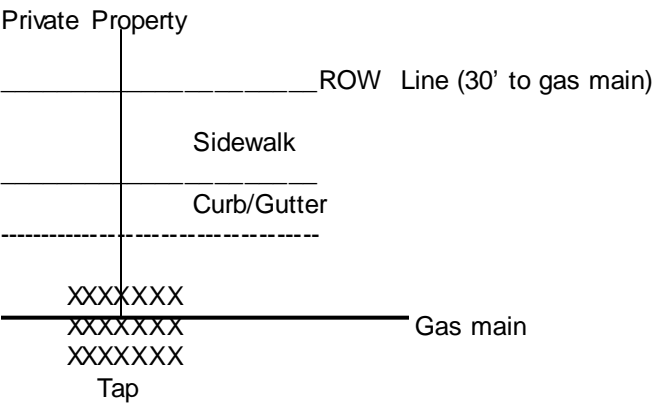
o pole

----- 1,500 ft. -----

(\$150 1st 100', plus 1,400 ft at \$50/100' each = \$850, plus \$300 for 2 poles, total = \$1150.)

EXAMPLE:

Gas line tie-in and service line installation via bore (no open cutting for pipe)



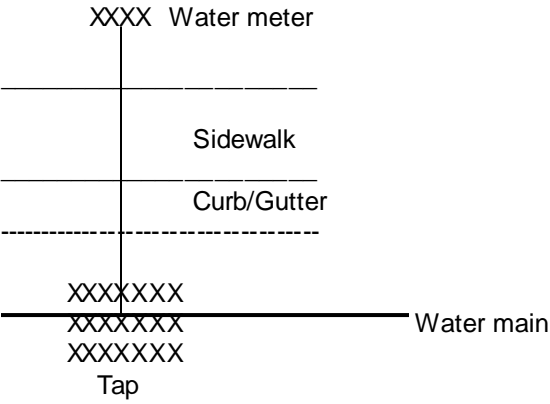
<100' underground utility lines - \$150

Street Cut/Pavement Restoration - \$150

Total: \$300

EXAMPLE:

Domestic water tie-in with excavation of sidewalk, curb/gutter, and roadway.



<100ft Sidewalk - \$150

<100ft Curb/Gutter - \$150

Street Cut/Pavement Restoration - \$150

Total: \$450

Water work requires permission from Fairfax Water and may require separate permits.

DIVISION 1. GENERALLY

Sec. 82-61. Construction safety.

Any person doing any work regulated by this article shall provide adequate construction zone work safety measures as are required and necessary for the protection of the public, including, but not limited to, adequate lighting for nighttime operations.
(Code 1978, § 20-13)

Sec. 82-62. Penalty for violation of this article.

The director of public works, or his designee, reserves the right to stop work at any time and at his sole discretion, complete any of the work covered under the permit, or any other work required to restore the public right-of-way to its condition prior to the start of work. Permittee, or the person undertaking work on the public right-of-way if no lawful permit exists, shall reimburse the city for all costs incurred, including attorney's fees and costs of litigation.

(Code 1978, § 20-14)

Secs. 82-63--82-80. Reserved.

DIVISION 2. PERMIT

Sec. 82-81. Required.

- (a) It shall be unlawful for any person to break, dig up or open, or cause to be broken, dug up or opened any street, road, highway, alley, bridge, sidewalk, trail, underpass or any other public rights-of-way or disturb any portion thereof, lying within the city for any reason, including, but not limited to, the laying or repairing of sewer lines, water lines, gas lines, electric lines or conduit, or telecommunications lines or conduit, including cable television lines; installing various appurtenances to such facilities; erecting or removing utility poles; installing, removing or relocating aerial utility lines or other related appurtenances; or removing or constructing curbs, gutters, storm sewers, sidewalks, pavements, and other public improvements, without having first applied for and obtained a permit to do so from the director of public works, or if an issued permit has been suspended or revoked.
- (b) Before any permit required by this article is granted, the applicant therefor shall pay a permit fee as set forth in the schedule of rates and levies adopted annually by the city council. Copies of such schedule are on file in the office of the city director of finance. The permit fee may be waived at the sole discretion of the director of public works, or his designee, for work performed under contract to the city, including contracts for city water and sanitary sewer utilities, and for state department of transportation contractors when performing publicly funded projects within the city, and as otherwise is provided by this Code.
(Code 1978, § 20-7)

Sec. 82-83. Bond prerequisite to issuance.

No person shall be granted a permit required by this article unless he shall first enter into a bond, with sufficient surety, or in lieu thereof, by a cash bond, payable to the city and meeting all requirements of chapter 2, article VI, division 2 of this Code. Such bond, shall be conditioned upon the restoration of the public right-of-way to its prior condition, and the director of public works shall be the sole judge of the adequacy of such restoration. The penal sum of the bond shall be in an amount to be determined by the director of public works, and shall be such amount as will enable the city to have such restoration done properly in the event that it is not done by the permit holder. In the event of a cash bond, such bond may be returned to the permit holder by the director of public works at such time as he considers the bond condition as having been met. Bonds posted in accordance with franchises, licenses or other agreements or for site developments shall be acceptable for meeting the intent of this section provided such bonds are first reviewed by the city attorney and contain no limitations in applicability to work under these permits.
(Code 1978, § 20-8)

Sec. 82-84. Acceptance constitutes agreement to save city harmless from damages.

Any person accepting a permit under this article thereby agrees to indemnify and save harmless the city, its elected officials, employees, agents and volunteers, from all claims for damages to persons or property resulting from work on or within any public right-of-way within the city or by failing to safeguard such work.
(Code 1978, § 20-9)

Sec. 82-85. Where to be kept; display.

Any permit granted under the terms of this article shall be kept at the construction site and shall be displayed on demand by the city at reasonable times.
(Code 1978, § 20-10)

Sec. 82-86. Notice to director of public works and chief of police prior to starting and completing work.

Any person granted a permit pursuant to this article shall notify the city department of public works and the police department each day at least one hour prior to the start of work.
(Code 1978, § 20-11)

Sec. 82-87. When work to be started and completed.

All work proposed to be done pursuant to a permit issued under the terms of this article shall be commenced and completed within the dates specified on the application for the permit. The department of public works shall be notified for purposes of undertaking an inspection of the work following the completion of work, or other period as agreed to. Inspection times and frequency shall be at the sole discretion of the director of public works, or his designee.
(Code 1978, § 20-12)

Secs. 82-88--82-110. Reserved.

ARTICLE IV. EXCAVATIONS*

***State law references:** Underground Utility Damage Prevention Act, Code of Virginia, § 56-265.14 et seq.

DIVISION 1. GENERALLY

Sec. 82-111. Purpose of article.

(a) The purpose of this article is to enumerate the policies of the city in the prevention of construction related accidents resulting in or from utility line disruptions.

(b) This article is enacted in order to:

(1) Protect persons and property from death or injury which may result from the destruction of, disruption of or damage to underground utility lines during excavation or demolition.

(2) Protect the health, safety and general welfare of the community by preventing the interruption of essential services resulting from the destruction of, disruption of or damage to underground utility lines during excavation, installation or demolition.

(Code 1978, § 7-1)

Sec. 82-112. Scope of article.

The scope of this article is intended to encompass:

(1) All utility operators and their representatives serving any portion of or maintaining any utility line within the city.

(2) All contractors performing demolition or excavation on any private property, public right-of-way or public easement within the city.

(Code 1978, § 7-2)

Sec. 82-113. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Blasting means the use of an explosive to excavate.

Contractor means any person, including a subcontractor, who contracts with an operator or property owner, public or private, for the purpose of engaging in, among other things, excavation, demolition or blasting.

Demolition means any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment, or discharge of explosives which could damage underground utility lines.

Emergency means any condition which may cause an interruption of essential services resulting from the destruction of, disruption of or damage to underground utility lines. The term "emergency" is classified as less severe than the term "hazardous."

Excavate or *excavation* mean any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes, without limitation, grading, trenching, digging, ditching, dredging, drilling, augering, tunneling, scraping, cable or pipe plowing and driving, wrecking, razing, rendering, moving, or removing any structure or mass of material.

Hazardous means any condition which may cause an interruption of essential services and, in addition, may result in death or injury to persons or property due to the destruction of, disruption of or damage to underground utility lines. The term "hazardous" is classified as more severe than the term "emergency."

Mechanized equipment means powered equipment used to excavate, and equipment used for plowing-in or pulling-in cable or pipe.

Operator means any person who owns, furnishes or transports materials or services by means of a utility line.

Property owner means any person who owns fee title to or leases a given area of land, excluding, however, any recorded easement or right-of-way.

Utility line means any item of public or private property which is buried or placed below ground or submerged for use in connection with the storage or conveyance of water, sewage, telecommunications, electric energy, cable television, oil, petroleum products, gas, or other substances, and includes but is not limited to pipes, sewers, combination storm/sanitary sewer systems, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles below ground. The term "sewage" as used herein does not include any gravity storm drainage systems. Except for any publicly owned gravity sewer system within a county which has adopted the urban county executive form of government, the term "utility line" does not include any gravity sewer system or any combination gravity storm/sanitary sewer system within any counties, cities, towns or political subdivisions constructed or replaced prior to January 1, 1995. No excavator shall be held liable for the cost to repair damage to any such systems constructed or replaced prior to January 1, 1995, unless such systems are located in accordance with Code of Virginia, § 56-265.19.

Working day means every day, except Saturdays, Sundays, and legal state and national holidays.

(Code 1978, § 7-3)

Cross references: Definitions generally, § 1-2.

(a) Whoever violates any provision of this article may be deemed guilty of a civil violation which may be punishable by a fine not to exceed \$2,500.00 or as otherwise provided for in the Code of Virginia.

(b) If, during excavation or demolition, an underground utility line is damaged by any person who has failed to comply with any provision of this article, any permit acquired through the city to perform work related to such excavation or demolition, including permits for building, grading, blasting, plumbing, electrical or mechanical, may be revoked and any fees paid to the city for such permit may be forfeited. In order to continue work, a new application for a permit, if revoked, must be filed; plans of the proposed excavation or demolition must be reexamined; the location of all existing utility lines must be verified in writing by each operator having facilities in the area of proposed excavation or demolition; and new fees, if forfeited, must be paid.

(c) Any person who is convicted of violating any provision of this article which resulted in damage to an existing utility line shall be subject to suspension or revocation of any license or permit issued by the city to perform related work for a period not to exceed 12 months. Furthermore, no subsequent permits or licenses to perform such related work shall be issued to such convicted persons during that suspension or revocation period.
(Code 1978, § 7-4)

Sec. 82-115. Effect of article on additional regulations.

No provision of this article shall exempt any person from complying with the requirements and provisions of any existing federal, state or local ordinances, regulations or policies, including, but not limited to, those of this Code, the State Corporation Commission, the Office of Pipeline Safety of the U.S. Department of Transportation or the U.S. Department of Labor.
(Code 1978, § 7-5)

Sec. 82-116. Administration and enforcement of article.

The administrative authority of this article shall be vested in the director of public works and such duly appointed agents as may be authorized by him, any one of whom may perform the tasks and may make inspections required by this article, and may take such steps as may be reasonably necessary to enforce its provisions.
(Code 1978, § 7-6)

Cross references: Administration, ch. 2.
Secs. 82-117--82-135. Reserved.

DIVISION 2. CONTRACTORS*

***Cross references:** Officers and employees, § 2-31 et seq.

Sec. 82-136. Applicability of article.

(a) The requirements of this division shall not apply to any property owner who, without the aid of a contractor, is performing excavation or demolition within the boundaries of his property which does not otherwise require the acquisition of any permit issued by the city. The term "contractor" shall apply to any owner who does not satisfy all of the stipulations contained in this subsection.

(b) The requirements of section 82-137 shall not apply to any person acting as or for the operator of a damaged line in making repairs to its own underground facilities or repairs to the streets or alleys themselves in a condition of emergency when such repairs must be made within a shorter period of time than that provided for in subsection 82-137(a); provided, however, that this exemption from obtaining information shall not excuse the person making the excavation from any liability for damages caused by his negligence.
(Code 1978, § 7-7)

Sec. 82-137. Notice of impending excavations or demolition.

(a) Contractors shall notify all operators who maintain underground utility lines in the area of the proposed excavation, blasting or demolition at least two working days, but not more than ten working days prior to commencement of such excavation, blasting or demolition. This notification shall consist, at a minimum, of the following:

- (1) The contractor's name and telephone number.
- (2) The name of the person for whom the proposed work is being done.
- (3) The date and approximate time work is to commence.
- (4) The location and approximate depth of proposed work.
- (5) The nature of work to be done.
- (6) The contractor's field representative or field contact, if any.
- (7) Emergency contacts, 24 hours a day, seven days a week.
- (8) Any special remarks.

(b) The telephone number to be utilized for serving notice to operators as required in subsection (a) of this section shall be located at least on the approved site plan, subdivision plan or engineering plan which is to be at the site during excavation or demolition as required in subsection 82-138(b).

(c) It shall be unlawful for any contractor to commence excavation or demolition on any property without first receiving clearance for excavation from each operator as provided in subsection 82-156(a).
(Code 1978, § 7-8)

(a) When excavation approaches the estimated location of any existing utility lines which shall have been previously located horizontally as provided in subsection 82-156(a), the exact location of such existing utility lines must be determined by adequately exposing such lines by hand digging within the proposed limits of excavation before excavation may resume. To prevent damage to such exposed existing utility lines or the protective coating thereof, proper supports shall be provided where required.

(b) Any contractor performing excavation or demolition is required to have an approved site plan, subdivision plan or engineering plan indicating the plan view of all known existing and proposed utility lines at the site during excavation or demolition.

(c) Any person who is designated to operate mechanized equipment for the purpose of excavation or demolition shall not perform such excavation or demolition until he has examined the plans provided in subsection (b) of this section.

(d) The act of obtaining information as required by this article shall not excuse any person making any excavation or demolition from doing so in a careful and prudent manner nor shall it excuse such person from liability for any damage resulting from his negligence.
(Code 1978, § 7-9)

Secs. 82-139--82-155. Reserved.**DIVISION 3. OPERATORS****Sec. 82-156. Duties for excavations generally.**

(a) An operator who receives notification of a proposed excavation pursuant to subsection 82-137(a) and who has received, if applicable, verification of site grading shall provide clearance for excavation to the contractor before such excavation may commence by:

(1) At least one hour prior to the commencement of the proposed excavation, horizontally locating its utility lines at the site and notifying the contractor that this marking has been accomplished; or

(2) Notifying the contractor that the proposed excavation will not affect its existing utility lines.

(b) Horizontal location of utility lines at the site of excavation shall consist of a permanent marking system approved by the Office of Pipeline Safety of the Department of Transportation or the State Corporation Commission or a temporary marking system approved by the director of public works, clearly and definitely indicating the horizontal location of the operator's facilities.

(c) In order to expedite horizontal location of utility lines, each operator shall:

(1) Provide locating services to mark all facilities affected by the excavation.

(2) Provide to designing engineers horizontal location data on its utility lines prior to field survey for designing new work so that such information on existing utility lines may be included in survey notes.

(3) Have the option to allow the locating crew of another operator to horizontally locate such facilities; provided, that authorization to do so has been given in writing.

(4) Indicate the horizontal location of their utility lines on a site map when required by the contractor.

(d) When trenches excavated for the installation of gas pipelines are backfilled, a continuous tape or similarly effective device shall be installed after tamping 18 inches above all direct burial plastic mains and 12 inches above services, stubs and stub extensions. The tape shall be not less than three inches wide, brilliant in color and imprinted with words clearly defining the utility line as "Gas." The tape shall be impregnated with metal so that locating equipment can readily pick it up. The remainder of the backfill may then be placed.

(e) When repairs are made to underground gas pipelines, or the tape and related requirements as provided in subsection (d) of this section have been disrupted or severed during excavation, such tape shall be installed or replaced at the completion of repairs prior to backfilling.
(Code 1978, § 7-10)

Sec. 82-157. Duties for demolitions generally.

An operator who receives notification of a proposed demolition pursuant to subsection 82-137(a) shall ensure clearance for demolition by:

(1) Disconnecting or causing to be disconnected, as agreed upon by the operator and contractor, all of its utility lines to the structure to be demolished, as well as capping where necessary.

(2) Advising the contractor of the appropriate means of ensuring adequate protection for its other utility lines in the vicinity which might be subject to unusual stress during the demolition.

(3) Notifying or causing to be notified the contractor that such disconnection has been accomplished or that its utility lines will not be affected by such demolition.
(Code 1978, § 7-11)

Sec. 82-158. Procedures generally.

(a) The horizontal location of all existing underground utility lines and those underground utility lines proposed by any operator shall be indicated on all site plans, subdivision plans or engineering plans prior to approval.

(b) Depending upon the size and importance of the utility line to be affected, the city, after consultation with the affected operator, shall determine whether or not an inspection by an operator's representative at the site of excavation is necessary during the crossing of its utility lines.
(Code 1978, § 7-12)

Secs. 82-159--82-175. Reserved.

DIVISION 4. HAZARDOUS AND EMERGENCY PROCEDURES

Sec. 82-176. Duties of contractors.

- (a) Communication between the job site and the contractor's base office shall be maintained at all times through the use of a two-way radio system or some other means approved by the chief of the department of fire and rescue services.
- (b) When any person damages a utility line or the protective coating thereof or accidentally exposes or severs a utility line during excavation or demolition, an emergency condition shall be deemed to exist and the operator of such utility line shall be directly notified at that time.
- (c) When any gas or flammable liquid utility line is severed or damaged to the extent that there is escapement of its contents, a hazardous condition shall be deemed to exist and the operator of such utility line and the department of fire and rescue services and the police department of the city shall be immediately notified.
- (d) Contractors shall display in plain sight on the instrument or control panel, or dash of all trucks and mechanized equipment operated by them, the current telephone number which is to be utilized to serve hazardous condition notice as required in subsection (c) of this section.
- (e) The telephone numbers to be utilized in serving emergency condition notice as required in subsection (b) of this section shall be located at least on the approved site plan, subdivision plan or engineering plan which is to be at the site during excavation or demolition as required by subsection 82-138(b).
- (f) It shall be unlawful to backfill around a damaged utility line, as described in subsection (b) or (c) of this section, until the operator of such utility line has been notified of such incident and has repaired the damage or has given clearance to backfill in writing.
- (g) During an emergency or hazardous condition, it shall be lawful to excavate, without using blasting, if notification as required in subsection 82-137(a) is given as soon as reasonably possible.
(Code 1978, § 7-13)

Sec. 82-177. Duties of operators.

- (a) All operators shall make available on a 24-hour basis adequate emergency response crews including answering personnel, radio dispatchers, appliance servicepersons and utility repair crews capable of performing all work tasks necessary to cope with emergency or hazardous situations. The number of emergency work crews shall be determined by the operator based upon reasonable response time (one hour maximum to emergency scene during other than work hours) and the number and frequency of experiences recorded.
- (b) All reports of hazardous conditions received by operators shall be reported immediately to the fire department and the police department of the city and all reports of hazardous conditions received by the fire department and the police department shall be reported immediately to the appropriate operator.
- (c) Emergency shut-off valves shall be provided for all new gas service line installations such that:
 - (1) All gas services supplying inside meters shall be equipped with an outside shut-off at the curb or property line. Access shall be through a stopcock box, the top of which is flush with the surrounding grade.
 - (2) Steel or copper services to outside meters shall be equipped with an outside shut-off as provided in subsection (c)(1) of this section and an aboveground shut-off at the meter.
- (d) The decision to shut off a utility line during a hazardous condition shall be vested in an appropriate representative of the utility company concerned. When time permits, the director of public works or his designated representative shall be notified before the operator decides whether or not to shut off a utility line during a hazardous condition.
- (e) When adequate operator emergency response crews are not available during a hazardous condition, the operator involved shall employ the department of fire and rescue services to take the necessary action to shut off specific utility line valves or breakers serving the area.
 - (1) Only the appropriate utility line representatives shall be permitted to reopen any valve or breaker which was closed during such a hazardous condition and only after a thorough check has indicated that it is safe to place the affected lines back into service.
 - (2) The provisions of this section shall not be mandatory upon the operators of flammable, natural, toxic or corrosive gas transmission pipelines.
(Code 1978, § 7-14)